

WILLS AND CODICILS

presence and by his direction. Where a testator cannot write, he can make his mark instead. He can sign it in an assumed name or by writing his initials only. (But if he comes to the solicitor's office to sign—it will be best to get him to sign his name properly.) It should be borne in mind that the will must be signed at the *foot* or *end* thereof. If further paragraphs are added after signature, such further provisions are not valid or operative.

2. The testator's signature must be made or acknowledged in the presence of two or more witnesses, both of whom must be present at the same time. The testator must sign or acknowledge his signature before either of the witnesses sign their names.

Various forms of "signature clauses" are in use, the simplest of which is, "Signed by the testator in our presence and by us in his presence/" and a longer but more common one being, "Signed by the testator, A. B. as and for his last Will and Testament in the presence of us both being present at the same time who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses/" It is a matter for the individual solicitor to choose which form of attestation he prefers. The choice of witnesses to a will need not create any difficulty for

the solicitor
—except that no beneficiary under the
will is
asked to act as a witness. The will is
not invalid
if a beneficiary acts as a witness—but
the benefi-
ciary loses the gift or benefit he would
otherwise
take. By acting as a witness he is
automatically
cut out of the will. This is equally the
case where
there is a legacy to an executor. It is
wise, there-
fore, not to ask executors or
beneficiaries to
witness a will.